

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

2008 NOV -7 AM 11:09
m. sandt

UNITED STATES OF AMERICA)

v.)

CHRISTOPHER L. GREEN,)

Defendant.)

CASE NO. CR597-003

O R D E R

Before the Court are Defendant Christopher L. Green's Motion for Reconsideration (Doc. 1906) and Request to Proceed on Appeal In Forma Pauperis (Doc. 1909). After careful consideration, Defendant's Motion for Reconsideration and Request to Proceed on Appeal In Forma Pauperis are **DENIED**.

As the Court informed Defendant in its earlier Order, the appropriate means for Defendant to seek a reduction of sentence based upon overturned state convictions is to file a challenge to his sentence under 28 U.S.C. § 2255. (See Doc. 1903.) Because Defendant has previously filed a § 2255 Petition, he must first file an "Application for Leave to File a Second or Successive Habeas Corpus Petition" with the Eleventh Circuit Court of Appeals. After receiving permission from the Eleventh Circuit, Defendant may then submit a § 2255 petition to this Court.

Due to the clear inability of this Court to entertain a second § 2255 petition without certification from the Eleventh Circuit, the Court finds Defendant's appeal to be frivolous and without merit. Accordingly, Defendant's Request is **DENIED**.

Accordingly, the Court **DENIES** Defendant's Motion for Reconsideration and Request to Proceed with Appeal In Forma Pauperis.

SO ORDERED this 7th day of November, 2008.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA